

§ 220.1

- 220.27 Identification.
- 220.29 Statement of letters and numbers.
- 220.31 Initiating a transmission.
- 220.33 Receiving a transmission.
- 220.35 Ending a transmission.
- 220.37 Voice test.
- 220.39 Continuous monitoring.
- 220.41 Notification on failure of train radio.
- 220.43 Communication consistent with rules.
- 220.45 Communication must be complete.
- 220.47 Emergencies.
- 220.49 Switching, backing or pushing.
- 220.51 Signal indications.

Subpart C—Train Orders

- 220.61 Transmission of train orders by radio.
- APPENDIX A TO PART 220—RECOMMENDED PHONETIC ALPHABET
- APPENDIX B TO PART 220—RECOMMENDED PRONUNCIATION OF NUMERALS
- APPENDIX C TO PART 220—SCHEDULE OF CIVIL PENALTIES

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SOURCE: 42 FR 5065, Jan. 27, 1977, unless otherwise noted.

Subpart A—General

§ 220.1 Scope.

This part prescribes minimum requirements governing the use of radio communications in connection with railroad operations. The term “radio communications” refers to the transmission and reception of voice communications by radio. So long as these minimum requirements are met, railroads may adopt additional or more stringent requirements.

§ 220.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate trains or other rolling equipment on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to:

- (1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or
- (2) Rapid transit operations in an urban area that are not connected with

the general railroad system of transportation.

[42 FR 5065, Jan. 27, 1977, as amended at 53 FR 28600, July 28, 1988]

§ 220.5 Definitions.

As used in this part, the term:

(a) *Employee* means any person who is authorized by a railroad to use its radio facilities in connection with railroad operations.

(b) *Railroad operation* means any movement of a train, engine, on-track equipment, or track motor car, single or in combination with other equipment, on the track of a railroad.

(c) *Train Order* means any mandatory directive issued as authority for the conduct of a railroad operation which is transmitted by radio.

(d) *Division headquarters* means the location designated by the railroad where a high-level operating manager (e.g., a superintendent, division manager, or equivalent), who has jurisdiction over a portion of the railroad, has an office.

(e) *System headquarters* means the location designated by the railroad as the general office for the railroad system.

[42 FR 5065, Jan. 27, 1977, as amended at 59 FR 43071, Aug. 22, 1994]

§ 220.7 Penalty.

Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$250 and not more than \$10,000 per violation, except that: Penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$20,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix C to this part for a statement of agency civil penalty policy.

[53 FR 28600, July 28, 1988, as amended at 53 FR 52930, Dec. 29, 1988]

Subpart B—Radio Procedures**§ 220.21 Railroad operating rules; radio communications; record-keeping.**

(a) After August 1, 1977, the operating rules of each railroad with respect to radio communications shall conform with the requirements of this part.

(b) On or after November 21, 1994, or 30 days before commencing to use radio communications in connection with railroad operations, whichever is later, each railroad shall retain one copy of its current operating rules with respect to radio communications, and of each amendment to these rules, at the locations prescribed in paragraphs (b) (1) and (2) of this section. These records shall be made available to representatives of the Federal Railroad Administration for inspection and copying during normal business hours.

(1) Each Class I railroad, each Class II railroad, the National Railroad Passenger Corporation, and each railroad providing commuter service in a metropolitan or suburban area shall retain such rules at each of its division headquarters and at the system headquarters of the railroad; and

(2) Each Class III railroad and any other railroad subject to this part but not subject to paragraph (b)(1) of this section shall retain such rules at the system headquarters of the railroad.

[42 FR 5065, Jan. 27, 1977, as amended at 59 FR 43072, Aug. 22, 1994]

§ 220.23 Publication of radio information.

Each railroad shall designate its territory where radio base stations are installed, where wayside stations may be contacted, and designate appropriate radio channels by publishing them in a timetable or special instruction. The publication shall indicate the periods during which base and wayside radio stations are attended or in operation.

§ 220.25 Instruction of employees.

Each employee who is authorized to use a radio in connection with a railroad operation, shall be:

(a) Provided with a copy of the railroad's operating rules governing the use of radio communication in a railroad operation.

(b) Instructed in the proper use of radio communication as part of the program of instruction prescribed in § 217.11 of this chapter.

§ 220.27 Identification.

(a) Except as provided in paragraph (c) of this section, the identification of each wayside, base or yard station shall include at least the following minimum elements, stated in the order listed:

(1) Name of railroad. An abbreviated name or initial letters of the railroad may be used where the name or initials are in general usage and are understood in the railroad industry;

(2) Name of office or other unique designation of the station; and

(3) Location of the station.

(b) Except as provided in paragraph (c) of this section, the identification of each mobile station shall consist of the following elements, stated in the order listed:

(1) Name of the railroad. An abbreviated name or initial letters of the railroad may be used where the name or initial letters are in general usage and are understood in the railroad industry;

(2) Train name (number), if one has been assigned, or other appropriate unit designation; and

(3) The word "engine", "caboose", "motorcar", "pakset" or other word which indicates to the listener the precise mobile transmitting station, unless identical to the requirement of paragraph (b)(2) of this section.

(c) If positive identification is achieved in connection with switching, classification, and similar operations wholly within a yard, fixed and mobile units may use short identification after the initial transmission and acknowledgement consistent with applicable Federal Communications Commission regulations governing "Station Identification".

§ 220.29 Statement of letters and numbers.

(a) If necessary for clarity, a phonetic alphabet shall be used to pronounce any letter used as an initial, except initial letters of railroads. See appendix A of this part for the recommended phonetic alphabet.